

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Miyano Machinery USA Inc.,)	
Plaintiff,)	
v.)	
MiyanoHitec Machinery, Inc., Thomas)	Civil Action No. 08 C 526
("Tom") Miyano, a/k/a Toshiharu Miyano and)	
Steven Miyano, a/k/a Shigemori Miyano,)	Hon. Virginia Kendall
Defendants)	
)	Magistrate Judge Nolan
)	
)	
)	JURY TRIAL DEMANDED
<hr/>)	
MiyanoHitec Machinery, Inc., Thomas)	
("Tom") Miyano, a/k/a Toshiharu Miyano and)	
Steven Miyano, a/k/a Shigemori Miyano,)	
Counterclaim-Plaintiffs)	
v.)	
Miyano Machinery USA Inc.)	
Counterclaim-Defendant)	
and)	
Miyano Machinery Inc.,)	
Third Party Defendant.)	

EMERGENCY REQUEST FOR STATUS HEARING

Plaintiff respectfully requests an emergency status hearing before the Court regarding the status of plaintiff's motion for a preliminary injunction that was filed Feb. 1, 2008. The Court held an evidentiary hearing on July 18 and heard closing arguments on July 23.

The International Machine Tool Show (IMTS), the largest machine tool show in the world, opens Monday, September 8 in Chicago. At this show, defendants plan to launch or exhibit their new machine tool and otherwise interact with prospective customers of machine tools. Tens of thousands of visitors are expected at the show. This was the starting event that Plaintiff has pointed to throughout the motion. Plaintiff's motion does not seek to exclude defendants from competition or from presenting at the IMTS. Instead, plaintiff seeks to prevent competition that uses confusingly similar marks and logos.

Because the trade show opens Monday, plaintiff respectfully but urgently seeks a ruling from the Court on the pending motion and submits this emergency request for a status hearing.

Respectfully submitted,

Dated: September 4, 2008

s/ Edward Manzo

Edward D. Manzo

Joel Bock

Louis Alex

Jason Smalley

Attorneys for Plaintiff

Edward D. Manzo I.D. # 03124728

Joel Bock I.D. # 00239984

Louis Alex I.D. # 06274458

Jason Smalley I.D. # 06287426

COOK ALEX LTD.

200 West Adams Street, Suite 2850

Chicago, IL 60606

Phone: (312) 236-8500

Fax: (312) 236-8176

emanzo@cookalex.com

CERTIFICATE OF SERVICE

The undersigned declares that he/she is over the age of 18 years, not a party to this action, and employed in the County of Cook, by Cook Alex Ltd., Attorneys at Law, 200 West Adams Street, Suite 2850, Chicago, Illinois 60606. On the date listed below, I caused the filing of the foregoing document with all its attachments and exhibits. I caused the service of these aforementioned documents on the following individuals, as addressed below, by the means indicated, and on the date listed below:

Geoffrey A. Baker
Geoffrey D. Smith
DOWELL BAKER, P.C.
201 Main Street, Suite 710
Lafayette, Indiana 47901
(765) 429-4004 telephone
(765) 429-4114 facsimile
gabaker@dowellbaker.com

Robert M. Karton
ROBERT M. KARTON, LTD.
77 W. Washington St., Suite
900
Chicago, Illinois 60602-2804
(312)214-0900 telephone
(312)214-4230 facsimile
robert@karton.us

Vernon W. Francissen
FRANCISSEN PATENT LAW, P.C.
53 W. Jackson Blvd.,
Suite 1320
Chicago, Illinois 60604
(312)294-9980 telephone
(312)275-8772 facsimile
vern@francissenpatentlaw.com

Nancy E. Sasamoto
Steven L. Katz
MASUDA, FUNAI, EIFERT &
MITCHELL, LTD.
203 N. LaSalle St.
Suite 2500
Chicago, IL 60601
312-245-7500 telephone
nsasamoto@masudafunai.com
skatz@masudafunai.com

____ (BY HAND DELIVERY) I caused each such document to be personally delivered by hand to the Chicago, Illinois addressee(s) shown above.

 X (BY ELECTRONIC MEANS) I caused this document to be electronically mailed (emailed) to Vernon W. Francissen, at the address shown above.

 X (BY ELECTRONIC MEANS) I cause each such document to be sent by electronic means through the Electronic Court Filing system to Geoffrey A. Baker, Geoffrey D. Smith and Robert M. Karton, Nancy Sasamoto, and Steven Katz at the addresses shown above, pursuant to LR 5.9.

Executed on September 4, 2008 at Chicago, Illinois.

Signed:

/s Edward Manzo